

SPECIAL CITY COUNCIL WORK SESSION

Wednesday, August 24, 2005

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Planner David Petersen, Jim Carter of Bear West, City Attorney Todd Godfrey, Planning Commission Member Keith Klundt and Recording Secretary Jill Hedberg.

Mayor Connors began discussion at 7:00 P.M.

Mayor Connors said he had been contacted by Noel Balstaedt of Garbett Homes. Mr. Balstaedt was unclear as to the direction the Planning Commission and City Council would like him to proceed. Mayor Connors suggested a subcommittee be organized to meet with the Garbett group. **David Hale** and **Rick Dutson** volunteered to attend the meeting. Planning Commission Members and City Staff would also attend the meeting.

RECOMMENDATIONS FOR NMU ZONING TEXT AND OTHER ALTERNATIVES

David Petersen summarized the items which were discussed at the NMU Subcommittee meetings and passed out the Ordinance draft which included modifications made by **Todd Godfrey** and **Jim Carter**. The Subcommittee was made up of Annie Hedberg, Keith Klundt, David Hale, Sid Young, Jim Carter of Bear West, Todd Godfrey from the City Attorney's Office and David Petersen.

The N.M.U. Subcommittee felt it would be difficult to determine a residential/commercial ratio since most of the Highway 89 corridor was developed. The committee did not want to lose commercial opportunities along the Highway 89 corridor. They referred to the Wooten Study which stated that the corridor could accommodate the amount of commercial space being proposed. The Study also stated that the development should be concentrated to create synergy. They felt it was important to preserve portions of the parcels north of Lagoon and north of Smith's as commercial space.

Mr. Godfrey told the Subcommittee members that the "spirit of the N.M.U." in the General Plan was a neighborhood use. If they were to accommodate a heavy commercial ratio, a General Plan amendment would be needed. The Subcommittee felt it was beyond their jurisdiction to consider a General Plan amendment, so this Special City Council Meeting was held.

The N.M.U. Subcommittee posed the following questions:

1. Is it still the goal of the Council to try to accommodate 300,000 square feet of commercial space along the Highway 89 corridor?

The City Council responded “Yes”, but with some qualifications as to the 300,000 number. The Mayor, with the concurrence of the Council stated that although the 300,000 square feet was a number mentioned in the Ross Consulting Group Study, it was a specific goal of the City.

1. Should there be a ratio in the N.M.U.?
The City Council responded “Yes”.
2. What should the N.M.U. ratio be?
The ratio of 67% residential and 33% commercial was discussed. The Subcommittee felt the ratio should be reversed which would call for a General Plan amendment.
3. Must the General Plan be amended?
 - Should there be some sort of N.M.U./C.M.U. swap?
 - Should there be some sort of consolidation creating a M.U. which would let the market dictate the ratios?

Todd Godfrey said the Subcommittee preferred the ratio concept but had also discussed the possibility of including a square footage cap. The Subcommittee felt a draft could be created that would be in line with the General Plan.

David Petersen said the Subcommittee had suggested “flip flopping” the C.M.U. zone and the N.M.U. zone.

Rick Dutson asked how the 67%/33% ratio had come to be. Mr. Godfrey explained there was not a detailed methodology to establish the ratios, rather the numbers we used as a starting point for discussion.

Mayor Connors said the General Plan did not include number ratios or caps.

Todd Godfrey said the Subcommittee had created the ratio by reviewing the Wootten or Ross Consulting Group Study and then comparing it to the amount of available space along the corridor. Some of the Subcommittee members felt a square footage cap would have stronger limitations.

Jim Carter said it was a complex issue since it was difficult to address the Ordinance and the General Plan Map simultaneously. He said the Subcommittee felt it would have been easier to create the zoning if the General Plan Map had not been created.

Susan Holmes asked how the C.M.U. was different from the N.M.U. in regards to commercial space.

Jim Carter said if the new N.M.U. text were adopted, it would include a ratio of 2/3 residential to 1/3 commercial. The C.M.U. text does not require a residential component.

Sid Young said there was not adequate time to readdress the corridor. He felt the text should include a ratio, as well as a square footage cap.

Mayor Connors said he would feel more comfortable determining a square footage cap rather than a ratio cap. He suggested maintaining the mixed use concept that was proposed a year ago which would protect Main Street and permit retail development in the northern part of the N.M.U. zone. He felt the 300,000 square foot threshold placed by the Consultant was an important constraint.

Rick Dutson asked if the text would be inconsistent with the Master Plan if it allowed 33% residential space.

Todd Godfrey said he would review the specific language of the Master Plan.

Sid Young said the intent of the Plan needed to be determined. He read Section 11-8 which included 5 conditions.

David Hale asked if the 300,000 square foot cap, which had been suggested by the Ross Consulting Group, would be for the footprint of the building or if it would include more than one building.

Susan Holmes said she did not want the C.M.U. and N.M.U. zones reversed since the N.M.U. concept had been carefully considered. She would like the text to be consistent with the General Plan. She felt it was important to buffer Main Street and to consider the traffic impacts that would be created.

David Hale said that Mr. Bell had stated that regardless of where the road was placed connecting Lagoon Drive to the east side one-way frontage abutting U.S. 89, there would not be additional commercial space north of Lagoon.

Jim Carter said the numerical standards have less value if a certain property is being addressed. He said traffic, traffic lights, and other off-site impacts should be the items to be considered. He said retailers, such as Wal-Mart, could be controlled by the design standards set by the City and the constraints to the individual property.

Todd Godfrey said if a retailer were able to mitigate the conditional use impacts, they would have grounds to develop. He said determining a ratio would help to define the mixed uses. A square footage cap would act as a "lightening rod". The ratio concept would assure the mixed use was

appropriate. The last developer would not have grounds to sue the City if the commercial areas were all developed.

Mayor Connors said he felt there should be 3 different caps. He did not think the North Main Street language was adequate.

Todd Godfrey said he had not considered the option of having 3 different caps. He said precautions could be created to protect the City if there were not a certain zone left in the area.

David Petersen said the 300,000 square foot cap was not mentioned in the General Plan. It was clear to him that the Committee did not want to amend the General Plan. He said, echoing comments from the Mayor, that there could be a cap placed on buildings next to Highway 89, a cap on the general building in the zone, and a cap on the overall development.

Todd Godfrey said the Mayor would like a base cap of 50,000 square feet in the buffer area to for retail use. The conditional use permit process would allow a certain square footage in a certain area. A physical viability study could be done if a certain amount of retail already existed in the N.M.U. zone. He said a draft could be prepared for the September 7th N.M.U. public hearing.

Mayor Connors said the draft language should address the residential aspect and should protect the residential nature of Main Street. He said there should be guidance in the zoning ordinance to address the issue of phasing. Commercial developers would be responsible to provide the residential buffer.

David Hale said the developers should also be responsible for the traffic impacts as well as the infrastructure.

Jim Carter said all projects within the N.M.U. should meet P.U.D. requirements in Chapter 27 requirements of the Zoning Ordinance.

David Petersen summarized the research that he had done regarding the U.S. 89 corridor.

- The northwest portion of the Highway 89 corridor was mostly developed.
- The southwest area was being developed by Garbett Homes. There were few commercial opportunities left.
- The N.M.U. area in the northeast is 33 acres. Richmond Homes has 46 acres under contract, 27 of which are in the CMU area, which they plan to use for residential development. There would be 47 acres remaining for development in the C.M.U. area.

- The C.M.U. area in the southeast quadrant is 74 acres. The transition to the residential area to the east would be important.
- UDOT's Legacy Highway wetland study suggests that there may be 9.6 acres of wetlands in the southeast area.
- Greg Bell plans to develop 8.2 acres inside of the C.M.U. area which would leave 21 acres.
- A No-Access Line (N/A Line) was established by UDOT which would be difficult to amend.

Mr. Petersen consulted with individuals from the development community. He chose not to include their names. The following opinions were given:

- One individual referred to the property next to Lagoon and felt Mr. Bell's proposed development would ruin the rest of the area.
- Another individual said he considered it negative that the area only had one access. There needs to be access off of Highway 89 and Main Street. He said Greg Bell's proposed development would ruin the site.
- Another person said the area north of Lagoon was a "dynamite" area. The mixture of uses would need to be created carefully. He also spoke negatively about the proposed Bell development.
- One person said the proposed Bell development would not be in the best interest of Farmington. The City needs to have an RDA to contribute to the infrastructure.
- Another individual said the piece north of Lagoon would be ideal for retail use since it is on the right side of the freeway. The access and visibility is good. The N/A line could be a problem. Farmington has a unique piece for high end retailers that has not been done in Davis County. This may be the last place for it to occur.

Mr. Petersen also spoke with the Horrocks Engineers who said retail north of Lagoon would not work due to the available space and the lights on top of the Park Lane deck. However, a development of the size now being proposed by Gardner and Gust were situated north of Lagoon this would not cause Park Lane to fail, whereas a development the size of the original Gardner/Gust proposal north of Lagoon would cause Park Lane to fail. A user such as Wal-Mart with the same square footage as the Gardner/Gust proposal would have a negative traffic impact. The N/A line is problematic.

David Petersen said the overall message was that the area was a “special” piece and needed to be Master Planned.

Keith Klundt said the visibility and access would be a problem.

David Petersen said the wetlands could be used as a benefit. The N/A line would be difficult but they have been dealt with in the past. He said Main Street was important and should be protected. The Subcommittee agreed if the Gardner site became a residential development, the City would lose the commercial opportunity and tax base along the Highway 89 corridor.

Todd Godfrey said he was under the impression that the Subcommittee was not in favor of ratios. They would like a 3 level cap included and would like Main Street to be protected.

Mayor Connors agreed with Mr. Godfrey.

Rick Dutson felt additional verbage should be added to the first sentence on page 6 to provide additional coverage. He also suggested that a roof top and traffic impact analysis be required. He questioned whether intersection ratings should also be required.

Todd Godfrey said he felt it would be too restrictive to require intersection ratings.

Mr. Carter said the Traffic Master Transportation Plan would protect the City.

MISCELLANEOUS

David Petersen said Todd Bradford was told by the City Council that they did not want residential development on City property. Mr. Bradford would like to meet with the Development Review Committee since he has met all of the City Council’s requirements. The City Council did not think a special meeting was necessary.

David Petersen said there had been a lot split on property west of the Denver Rio Grande tracks. The day after the property owner received Schematic Plan Approval from the City Council, he wanted to sell half of the property. Since the property had not been divided, it would be an illegal sale. The property owner requested immediate plat approval .

Todd Godfrey said it would not be appropriate for the City Council to grant approval now without proper notice.

The City Council, RDA and MBA Review was scheduled for Monday, August 29, 2005, at 5:00 P.M.

The Subcommittee meeting was set for Wednesday, August 31, 2005, at 4:30 P.M.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 8:50 P.M.

Margy Lomax, City Recorder
Farmington City